

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 30  
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Human Services  
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### **DIGEST**

Currently, Texas law does not require parents to receive notification that their minor child is seeking an abortion. S.B. 30 requires parental notification before an abortion can be performed on a minor, and provides exceptions in which parental notification is not in the child's best interest.

### **PURPOSE**

As proposed, S.B. 30 relates to parental notification required before an abortion may be performed on a minor; provides a criminal penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the supreme court in SECTION 2 (Sections 33.003 and 33.004, Family Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 2A, Family Code, by adding Chapter 33 as follows:

#### CHAPTER 33. NOTICE OF ABORTION

Sec. 33.001. DEFINITIONS. Defines "abortion," "fetus," "guardian," "medical emergency," and "physician."

Sec. 33.002. PARENTAL NOTICE. Prohibits a physician from performing an abortion on a pregnant minor unless the physician gives notice to a parent, guardian, or managing conservator; has consent from a court; or concluded that a medical emergency exists. Sets forth conditions under which a physician may perform an abortion. Requires the Texas Department of Health (TDH) to prepare a form to be used for making the required certification. Provides that a physician commits a Class A misdemeanor for violation of this section.

Sec. 33.003. JUDICIAL APPROVAL. Authorizes a pregnant unemancipated minor to apply for a court order authorizing the minor to consent to the performance of an abortion without the notification of her parents or guardian. Authorizes the application to be filed in the county court at law or a court having probate jurisdiction. Requires the application to be made under oath and include certain information. Requires the court to appoint a guardian ad litem for the minor. Provides that if the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney. Requires the court to set a time for a hearing on the application and keep records of all testimony. Sets forth requirements and provisions regarding an application submitted under this section. Requires the court to determine whether the minor is mature and sufficiently well informed or whether notification is not in the best interest to have an abortion performed without notification of parent or guardian. Provides that if the court finds that the minor can have an abortion performed, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification. Prohibits the court from authorizing a minor to consent to an abortion without notification if the minor does not meet the requirements of Subsection (g). Prohibits the court from notifying a parent or guardian that the minor is pregnant or wants to have an

abortion. Authorizes the minor to file the application using a pseudonym or her initials. Requires the supreme court proceedings and all other documents to be kept confidential. Requires the clerk of the court to prescribe the application form to be used by the minor filing an application under this section. Prohibits filing fees or court cost from being assessed.

Sec. 33.004. APPEAL. Authorizes that the minor whose application is denied to appeal to the court of appeals having jurisdiction over civil matters in the county. Sets forth requirements for the appeal. Requires the court to rule on an appeal no later than 5 p.m. on the second business day after the date the notice of appeal is filed with the court. Provides that if the court fails to rule on the appeal then it is considered to be granted and the physician may perform the abortion. Requires the proceedings under this section to be given precedence over other pending matters. Requires the clerk of the supreme court to prescribe the notice of appeal form to be used by the minor appealing a judgment under this section. Provides that a filing fee is not required and court costs may not be assessed against a minor. Requires an expedited confidential appeal to be available to the minor.

SECTION 2. Requires the supreme court to issue rules.

SECTION 3. Effective date: September 1, 1999, except as provided by SECTIONS 4 and 5 of this Act.

SECTION. 4. Makes application of this Act prospective, to January 1, 2000.

SECTION 5. Effective date for Section 33.002(d), Family Code: take effect January 1, 2000.

SECTION 6. Requires the Texas Board of Health to adopt the form to be used under Section 33.002(a), Family Code, no later than December 15, 1999.

SECTION 7. Requires the clerk of the Supreme Court of Texas to adopt the application form and notice of appeal form to be used under Sections 33.003 and 33.004, Family Code, no later than December 15, 1999.

SECTION 8. Emergency clause.